IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WA.No. 2044 of 2006()

AGAINST THE JUDGEMENT IN WPC.22725/2006 Dated 19/09/2006
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APPELLANT: PETITIONER:

ROJI. C. MATHEW, U.P.S.A.,
R.M.A.U.P.SCHOOL, KARAKKODE, KARAKKODE P.O.,
MANIMOOLI, MALAPPURAM DISTRICT-679 333.

BY ADV. SRI.JOSEPH SEBASTIAN PURAYIDAM

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
DOWN HILL, MALAPPURAM DISTRICT.

3. THE DISTRICT EDUCATION OFFICER,
WANDOOR.

4. ASSISTANT EDUCATION OFFICER,
NILAMBUR.

5. HEAD MASTER, R.M.A.U.P.SCHOOL,
KARAKKODE P.O., MANIMOOLI,
MALAPPURAM DISTRICT.

6. THE MANAGER, R.M.A.U.P. SCHOOL,
KARAKKODE P.O., MANIMOOLI,
MALAPPURAM DISTRICT.

R1 TO R4 BY GOVERNMENT PLEADER SRI T.B.HOOD

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08/11/2006, THE COURT ON 16/11/2006 DELIVERED THE FOLLOWING:

V.K.BALI, C.J. & P.R.RAMAN, J.

W.A.NO.2044 OF 2006

Dated this the 16th day of November, 2006

JUDGMENT

Raman,J.

Appellant is the petitioner in W.P.(C). No.22725/2006. He impugns the judgment dated 19th September, 2006 rendered by the learned Single Judge.

2. The main contention of the appellant/petitioner was that the students strength was not properly assessed. According to him, there will not be any fall in division from 18 to 17 and the authorities sanctioning only 17 divisions based on a wrong assessment of the students strength and according to him, 18 students were taken away for a picnic on the date of visit of the authorities concerned for fixation of the students strength of the school. According to him, a representation

made in this behalf was pending at the time of consideration of the writ petition. But, it was subsequently returned to the petitioner without assigning any reason and he has made a fresh representation in the matter produced as Annexure-C. He prays that in the changed circumstances, at least a direction be issued to consider and dispose of Annexure-C representation. The learned Single Judge did not consider the merits of the contention raised, as according to the learned Single Judge, he was not satisfied that the writ petition is to be entertained at this stage and left open the right of the petitioner to raise his contention before the authorities concerned at the appropriate stage. As such none of the rights of the petitioner is affected, since his right to agitate the matter before the authorities at the

appropriate stage is left open. However, no direction was issued to consider his representation and by now, according to the appellant, the representation was returned without assigning any reason and in such circumstances, he having made a fresh representation as per Annexure-C, the limited prayer made by the counsel for the appellant is only for a direction to consider the same in accordance with law.

3. We have heard both sides.

4. Since the right of the petitioner to raise his contentions at the appropriate stage before the authorities has been left open and now that the petitioner has made a representation-Annexure-C, it is only appropriate in the present situation to direct the consideration of Annexure-C representation. Accordingly, we direct that

the Secretary to Government, General Education Department (1st respondent) shall consider the representation-Annexure-C and dispose of the same in accordance with law, as expeditiously as possible, at any rate within a period of two months. The appellant/petitioner shall produce a copy of this judgment along with a copy of the writ appeal before the Government for information and compliance.

Writ Appeal is disposed of with the above direction.

V.K.BALI,
CHIEF JUSTICE.

P.R.RAMAN,
JUDGE.

kcv.